



U.S. General Services Administration
Office of Government-wide Policy
Motor Vehicle Policy

Home-to-Work Transportation

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HTW Statute and Regulation

- **1986 Pass. Carrier Act – Home-to-Work**
 - **A.K.A– 31 U.S.C. 1344**
- **Federal Management Regulation (FMR) 102-5, Home-to-Work Transportation**
 - **Bulletin FMR Bulletin B-35, Home-to-Work Transportation**
- **Related to HTW:**
 - **1989 Ethics Reform Act – Incidental Use**
 - **Comptroller General decisions**
 - **Other Fleet Managers' experiences**
 - **Scope of Employment Determinations**

HTW Basics

HTW for employees is generally, NOT allowed unless-

Employees not covered by HTW:

- (a) Employees who are on official travel (TDY); or**
- (b) Employees who are on permanent change of station (PCS) travel; or**
- (c) Employees who are essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties when designated in writing as such by their agency head.**

More HTW Basics

- Employees may be approved HTW by the head of the agency for—
 - Field work (up to 2 years)
 - Clear and present danger (15 days)
 - Compelling operational consideration (15 days)
 - Emergency (15 days)
 - Approved by person or specific job position
- Approval authority may not be delegated!
- Field work means official work requiring the employee's presence at various locations other than his/her regular place of work. (Multiple stops(itinerant-type travel) within the accepted local commuting area, limited use beyond the local commuting area, or transportation to remote locations that are only accessible by Government-provided transportation.)

More HTW Basics

- ***Clear and present danger*** means highly unusual circumstances that present a threat to the physical safety of the employee or their property when the danger is:
 - (1) Real; and
 - (2) Immediate or imminent, not merely potential; and
 - (3) The use of a Government passenger carrier would provide protection not otherwise available.
- **Compelling operational considerations** means those circumstances where home-to-work transportation is essential to the conduct of official business or would substantially increase a Federal agency's efficiency and economy.

More HTW Basics

- **Emergency** means circumstances that exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees necessary to the uninterrupted performance of the agency's mission (assumes other transportation would not be available).
- **Telework, Virtual Workers, and Home-to-Work**
 - If someone asks, refer them to their General Counsel.
 - GSA OGC says HTW still applies even if the employee's home is the official duty station.
 - At least one agency GC has disagreed with this interpretation.

HTW Not So Basic Basics

Reports to Congress:

Agencies “must submit your determinations to the following Congressional Committees:

- (a) Chairman, Committee on Governmental Affairs, United States Senate, Suite SD-340, Dirksen Senate Office Building, Washington, DC 20510–6250; and
- (b) Chairman, Committee on Governmental Reform”

Agencies must report your determinations to Congress no later than 60 calendar days after approval. You may consolidate any subsequent determinations **into a single report and submit them quarterly.**

Incidental Use: If your agency has prescribed rules for the incidental use of Government vehicles (as provided in 31 U.S.C. note), you may use the vehicle in accordance with those rules in connection with an existing home-to-work authorization.

More HTW Not So Basic Basics

- **Accidents while using HTW – Scope of Employment?**
- **HTW: A taxable benefit!**
 - IRS Fringe Benefit Guide for Federal, state, and Local Governments
 - <https://www.irs.gov/pub/irs-pdf/p5137.pdf>
- **Comptroller General Decisions!**
 - www.gsa.gov
 - Search Home-to-Work Transportation
- **Telematics (maybe?)**
 - Location data– monitor driving to enforce official policies and minimize incidental usage.

More HTW Not So Basic Basics

Documentation/Logs: Agencies must maintain logs or other records necessary to verify that any home-to-work transportation was for official purposes. Each agency may decide the organizational level at which the logs should be maintained and kept. The logs or other records should be easily accessible for audit and should contain:

- (a) Name and title of employee (or other identification, if confidential) using the passenger carrier;
- (b) Name and title of person authorizing use;
- (c) Passenger carrier identification;
- (d) Date(s) home-to-work transportation is authorized;
- (e) Location of residence;
- (f) Duration; and
- (g) Circumstances requiring home-to-work transportation.

HTW and the Presidential Transition

A new president means many political appointees entering all levels of the Federal Government

Your role as fleet manager—

- Provide vehicles/services in support of the orderly transfer of power
- Educate appointees on how they can/cannot use vehicles
- Keep new appointees out of jail!



HTW and the Presidential Transition

Consider creating a fleet information packet or reference guide for new appointees that covers:

- “Official Use” of a Government owned vehicle
 - Personal liability
 - Incidental use
 - When spouses/family can travel in a GOV
- Self-insurance and the Federal Tort Claims Act
- Driver responsibilities
- Your agency’s home-to-work transportation policies
- Where to go with questions
- Always remind new appointees about perception- how would a taxpayer view the use of the GOV?

You've Got Motor Vehicle Policy Questions?

We've Got Answers

Vehicle.Policy@GSA.Gov

